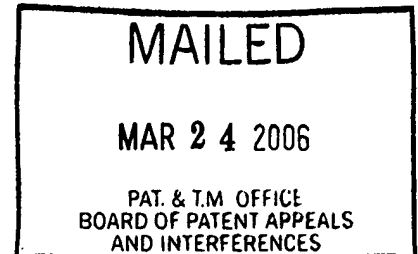


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCE

Ex parte AKIRA SUGIYAMA

Application 09/377,827



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on February 10, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing are identified below.

An in-depth review of the Examiner's Answer mailed on November 4, 2005, reveals that under the heading Evidence Relied Upon, the prior art relied on was not listed. The MPEP 1207.02(A) states:

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A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

- (8) *Evidence Relied Upon*. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

Proper correction of the Examiner's Answer is required.

Appellant filed a Power of Attorney on January 11, 2006, December 22, 2005 and November 14, 2005. It is not clear from the record that the Power of Attorney has been considered. A written communication notifying appellant of the consideration of the Power of Attorney is required.

Accordingly, it is ORDERED that the application is return to the Examiner:

- 1) to vacate the Examiner's Answer mailed November 4, 2005, and issue a revised Examiner's Answer in accordance with the new rules;
- 2) to have a copy of the revised Examiner's Answer scanned into the official record; and

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- 3) consideration of the Power of Attorney dated January 11, 2006, December 22, 2005 and November 14, 2005
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCE

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', with a long horizontal flourish extending to the right.

DALE M. SHAW
Program and Resource Administrator
(571) 272-9797

CRF/pgc

cc: Staas & Halsey LLP
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